

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ALICIA GANNON,

Plaintiff,

-against-

Civil Action Number  
05 CV 2160 (RCC)

**NOTICE OF MOTION**

THE CONDÉ NAST PUBLICATIONS INC. LONG TERM  
DISABILITY PLAN, THE CONDÉ NAST PUBLICATIONS  
INC. and AETNA LIFE INSURANCE COMPANY,  
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**PLEASE TAKE NOTICE** that, upon the Affidavit of Michael Bernstein, Esq. sworn to on September 23, 2005, and the accompanying Memorandum of Law, Affidavit of Kazuyuki Takashima with annexed exhibits dated September 19, 2005, Affidavit of Tammy Manente dated September 19, 2005, and the Rule 56.1 Statement of Material Facts, the defendant, AETNA LIFE INSURANCE COMPANY (hereinafter "AETNA"), by its attorneys, Sedgwick, Detert, Moran & Arnold LLP, will move in this Court on a date designated by the Court at the United States Courthouse, 500 Pearl Street, New York, New York 10007 for an Order pursuant to FED. R. CIV. P. 56 granting summary judgment on behalf of defendant Aetna because, as a matter of law, Aetna's determination concerning ALICIA GANNON's long-term disability claim under an employee welfare benefit plan governed by the Employee Retirement Income Security Act of 1974 (29 U.S.C. §1001, *et seq.*) was not arbitrary or capricious but based on a full and fair review of all the medical and claim information contained in the administrative record, and for such other and further relief as this Court may deem just and proper.

**PLEASE TAKE FURTHER NOTICE** that answering papers, if any, must be served by October 7, 2005. Reply papers must be served by October 14, 2005.

Dated: New York, New York  
September 23, 2005

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael H. Bernstein", with a long horizontal line extending to the right.

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MICHAEL H. BERNSTEIN (MB 0579)  
COLLEEN A. DeNoto (CD 8474)  
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